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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Atty. Dkt. No. 00.05.12.1
Steven B. Laramay and) Art Unit: 1617
John H. Schneider)
Serial No. 09/770,931) Examiner: Gina C. Yu
Filing Date: January 26, 2001)
Title:) Duncan, Oklahoma 73534
HOLLOW CAPSULE HAVING A WALL)
PERMEABLE TO WATER OR AN)
AQUEOUS SOLUTION) Date: July 24, 2002

RESPONSE TO OFFICE ACTION

The Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicants, in response to the requirement for election of species contained in the Office Action mailed July 3, 2002, elect, with traverse: alkaline earth metal hydroxides (claim 17), as the "first chemical composition;" polyaziridines (claim 19), as the "cross linking agent;" silica (claim 20), as the "second material;" and polyaziridines (claim 22), as the "cross linking agent."

REMARKS

To prevent the alleged "unduly extensive and burdensome search" Applicants have elected, with traverse, alkaline earth metal hydroxides, polyaziridines and silica.

The requirement of the Examiner that Applicant specifically name a single species drawn from a disclosed pool of exemplary operative species is submitted to be an overly broad interpretation of the practice set forth in MPEP § 803.02 and is, accordingly, traversed. This interpretation places an unfair and unnecessary burden on Applicants and impedes their ability to completely claim their invention. Such a requirement could result in the needless and burdensome expense of filing a multiplicity of applications drawn to narrowly inventive subject matter. Furthermore, any failure of Applicants to file an application drawn to each and every species would improperly and unfairly expose Applicants to copiers who could easily practice, without fear of infringement, any invention disclosed, but not claimed, as a result of this requirement now made by the Examiner.

38 The undersigned attorney conducted a telephone interview with Primary
39 Examiner Russell Travers on or about July 16, 2002. Based upon that interview, it is
40 understood that the election set forth above constitutes a complete response to the
41 Action.

42 This application is now in condition for examination in accordance with the
43 practice set forth in MPEP § 803.02.

44 Respectfully submitted,

45 Thomas R. Weaver

46 Thomas R. Weaver

47 Registration No. 25,613
48

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52

52 CERTIFICATE OF MAILING

53 I hereby certify that the within and foregoing document, together with the
54 attachments referred to therein, if any, is being deposited by the undersigned with the
55 United States Postal Service as first class mail in an envelope addressed to the
56 Commissioner of Patents and Trademarks, Washington, D.C. 20231 on the date written
57 just below my signature.

58 Thomas R. Weaver

59 Thomas R. Weaver

60 Registration No. 25,613

61 July 24, 2002
62 Date
63